

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

GERONIMO FRATICELLI ROSADO, JR., )  
Plaintiff, )

C.A. No. 1:17-cv-205

v. )

JANE DOE (LAW LIBRARIAN), et al, )  
Defendants. )

**MEMORANDUM ORDER**

This prisoner civil rights action was received by the Clerk of Court on July 31, 2017, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. The magistrate judge's report and recommendation, issued on February 22, 2018, recommended that the motion to dismiss or change venue filed by the Department of Corrections Defendants [ECF No. 17] be granted in part. The motion to change venue should be granted while the Court should defer ruling on the motion to dismiss. It was further recommended that a ruling should be deferred on the motion to dismiss filed by Defendant Stanish [ECF No. 15]. A decision on the motions to dismiss is best left to the transferee court. Service was made on Plaintiff by mail at 401 West Gay Street, West Chester, PA 19380, the last address of record, and on Defendants. Objections to the report and recommendation were filed by Plaintiff on March 8, 2018. After de novo review of the complaint and documents in the case, along with the objections filed, the following order is entered:

AND NOW, this 12<sup>th</sup> Day of March, 2018;

IT IS HEREBY ORDERED that the motion to dismiss or change venue filed by the Department of Corrections Defendants [ECF No. 17] is GRANTED in part. The motion to change venue is GRANTED. The Court defers ruling on the motion to dismiss. It is further ORDERED that a ruling on the motion to dismiss filed by Defendant Stanish [ECF No. 15] is deferred. A decision on the motions to dismiss is best left to the transferee court. The Clerk is directed to transfer this case forthwith.

The report and recommendation of Magistrate Judge Baxter, issued February 22, 2018, is adopted as the opinion of the court.

March 12, 2018

  
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ARTHUR J. SCHWAB  
United States District Judge

cc: Susan Paradise Baxter  
U.S. Magistrate Judge

all parties of record \_\_\_\_\_